IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

CHARLES WIGGS and JUDY WIGGS PLAINTIFFS,))) Case: Civil No. 0:09-cv-00611-DSD-FLN)
v.))
NOVARTIS PHARMACEUTICALS CORPORATION,))
DEFENDANT.)))

NOVARTIS PHARMACEUTICALS CORPORATION'S RESPONSE TO THE COURT'S ORDER REGARDING POTENTIAL VENUE TRANSFER

In response to the Court's March 28, 2014, Order requesting briefing on whether this case should be transferred, defendant Novartis Pharmaceuticals Corporation ("NPC") suggests that transfer of this action to the United States District Court for the Middle District of North Carolina is appropriate under 28 U.S.C. § 1404. Minnesota has no logical nexus to this case. None of the parties is or was domiciled in Minnesota; Mr. Wiggs' treating physicians are not located in Minnesota; and none of the pertinent events

US.54077610.01

¹ NPC maintains that transfer is also necessary under 28 U.S.C. § 1406(a) because venue is improper in this District and Minnesota courts lack personal jurisdiction over NPC in this case. *See Daimler AG v. Bauman*, 134 S. Ct. 746, 760 (2014) ("With respect to a corporation, the place of incorporation and principal place of business are 'paradig[m] . . . bases for general jurisdiction.""). Regardless of whether Section 1404 or 1406 is applied, however, transfer is appropriate, and NPC reserves its right to raise the propriety of plaintiffs' filing in this District in connection with choice-of-law motions in the trial court.

in this case took place in Minnesota. By contrast, the Middle District of North Carolina is where the Wiggs reside and where Mr. Wiggs received his medical/dental treatment.

Dated: April 28, 2014 Respectfully submitted,

s/James A. O'Neal

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